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Enforcing the Right to Food in India

Bottlenecks in Delivering the Expected Outcome

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Abstract

Over the past decade, a series of events in India have brought the question of food security into sharp focus. Vast famine-affected areas versus surplus production and stocks of grains, the impact of globalization and World Trade Organization laws on agriculture and farmers, the media's spotlight on starvation deaths and, finally, the Supreme Court of India's strong reaction to the plight of the hungry—all make a case for recognizing the right to food.

This paper examines the situation prevailing in India and reviews the obligations and initiatives by the government of India to ensure food security. This paper mainly looks at the aspect of corruption as one of the reasons for the failure of the programmes meant for the poor, makes suggestions for addressing the issue and examines the possible role of civil society organizations in making the schemes workable for the poor. .../.

Keywords: right to food, food security, poverty, public distribution system, targeting, corruption, accountability, India

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The vast number of people below the poverty line, and the failure of schemes meant for this group, clearly shows that India needs to wake up. The judiciary cannot monitor the implementation of the schemes forever. The government needs to review the policy periodically and take corrective measures for effective implementation of different schemes and programmes, establish mechanisms of accountability and ensure the right to food for all.

Acronyms

List of acronyms given at the end of the study.

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1 Introduction

The evolution of the right to food is derived from the larger human right to an adequate standard of living contained in the 1948 Universal Declaration of Human Rights (UDHR). Article 25 (1) of UDHR asserts that, 'Everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing and medical care and necessary social services ...' The International Covenant on Economic, Social and Cultural Rights (1966) developed these concepts more fully, stressing 'the right of everyone to ... adequate food' and specifying 'the fundamental right of everyone to be free from hunger'.

The civil, cultural, economic, political and social rights proclaimed in the Universal Declaration are considered interdependent, interrelated, indivisible and equally important. To be able to enjoy the right to food fully, people need access to healthcare and education, respect for their cultural values, the right to access and possess property and the right to organize themselves economically and politically. Without adequate food, people cannot lead healthy active lives. They are not employable, cannot care for their children, and their children cannot learn to read and write. Hence the right to food cuts across the entire spectrum of human rights. Its fulfilment is essential in the fight against poverty, and it is at the heart of Food and Agriculture Organization's (FAO) mandate to ensure a world free from hunger.

Over the past decade, a series of events in India have brought the question of food security into sharp focus. Vast famine-affected areas versus surplus production and stocks of grains, the impact of globalization and World Trade Organization laws on agriculture and farmers, the media's spotlight on starvation deaths and, finally, the Supreme Court of India's strong reaction to the plight of the hungry—all make a case for recognizing the right to food.

The objective of this paper is to examine the situation prevailing in the country and review the obligations and initiatives by the government of India (GoI) to ensure food security through various schemes. This paper mainly looks at the issue of corruption as one of the reasons for the failure of the schemes and programmes meant for the poor, suggesting ways to address the issue and examines the possible role of civil society organizations (CSOs) in making the schemes workable for the poor.

2 Background

There is an extremely high prevalence of hunger in India. Starvation deaths are not an anomaly in India: the notorious Kalahandi region in Orissa to Baran in Rajasthan are cases in focus. In Sahariya village of the southern Rajasthan district of Baran, it rained continuously for almost a month in August 2004 and the tribal people could not practise the traditional livelihood of gathering forestwood to sell in the nearby town. There was no employment and no money to buy food. Villagers were going without meals, became ill and started to die.

In August 2005 there were again reports of starvation deaths. A six-member team, led by the state advisor to the Commissioners of the Supreme Court in the right to food, visited the Baran district and confirmed deaths due to chronic hunger among the

Sahariya tribes (*The Hindu* 2005a). The National Human Rights Commission (NHRC) taking cognizance of the alleged starvation deaths had sought a report from the state government (*Hindustan Times* 2005).

The plight of the group of tribals in eastern Uttar Pradesh's Sonebhadra district, who have been forced to survive on roots and leaves, moved the Asian Human Rights Commission (AHRC) to launch an urgent public appeal on their behalf. As per the commission, 'the tribals will starve to death, if the Indian authorities do not take urgent action'. In another case, the Bombay High Court directed that the GoI, specifically the

Table 1
Central foodgrain stock and minimum buffer norms, 2001-05

Year & month		Buffer norm (in million tons)	Actual stock (in million tons)
2001	January	16.8	45.7
	April	15.8	44.7
	July	24.3	61.7
	October	18.1	58.3
2002	January	16.8	58.0
	April	15.8	50.9
	July	24.3	63.0
	October	18.1	51.4
2003	January	16.8	48.2
	April	15.8	32.8
	July	24.3	35.2
	October	18.1	23.6
2004	January	16.8	24.4
	April	15.8	20.0
	July	24.3	29.9
	October	18.1	20.2
2005	January	16.8	21.7
	July	26.9	24.5

Source: Department of Food and Public Distribution 2004-05, taken from Economic Survey 2004-05: 101, under Price and Food Management/Buffer Stock.

Table 2
Allocation and procurement under the BPL system for the year 2003/4

State	Allotment* (000 tons)	Procurement** (000 tons)	Procurement % (2003/4)	Procurement % (2002/3)	Procurement (kg per month)
Bihar	2,219	627	28	20	10
Goa	13	7	54	50	29
Gujrat	754	474	63	52	14
Jharkhand	839	297	35	28	15
Maharashtra	2,293	1,580	69	60	25
Orissa	1,484	633	43	24	15
Punjab	166	120	72	53	19
Uttar Pradesh	3,654	1,845	50	64	20
Uttaranchal	177	89	50	59	21
West Bengal	1,703	1,039	61	44	25
Total (India average)	22,549	14,751	65	59	18

Notes: * Computed using the prevalent number of BPL ration cards existent in the states,

** The figure for the procurement per BPL household should be interpreted with caution in these states because the number of distributed BPL cards far exceeds the official central government total on which allotments are based.

Source: Saxena (2004).

Union Human Resources Development (HRD) Ministry, be made a party in the *suomoto* petition, taking cognizance of the increasing number of child deaths in tribal Maharashtra. These incidents, however, have not initiated any corrective action or serious effort by the government to examine the reasons why, in a food-surplus nation, thousands still suffer from hunger and malnutrition.

Natural disasters such as floods and droughts worsen the situation. Calamities like the recent tsunami and earthquake add to the existing problem. A large section of the population leads a hand-to-mouth existence on a daily basis. Although the country's subsidy is increasing sharply, hunger and malnutrition continue to afflict poor people. According to FAO (2004: 7), India alone accounts for over 221 million poor and hungry people. Another study states that some 320 million people, a third of the world's 840 million hungry, go hungry in India (Sharma 2005). According to an estimate by the Asian Development Bank (2005), some 327 million people in India lived on less than US\$1 a day.

Further, hunger in India has gender and age dimensions. Half of the country's women suffer from anaemia and maternal undernourishment, resulting in maternal mortality and underweight babies. A research report by Aneja *et al.* (2001) shows that more than half of the children suffer from chronic undernourishment and anaemia.

Hunger and starvation also have regional and geographical dimensions. These social evils recur not only in particular regions, but also across most of India. The pattern of agriculture has brought uneven development across regions and is characterized by low levels of productivity and degradation of natural resources in some areas. Agriculture has also become a relatively unrewarding profession due to an unfavourable price regime and low value addition, causing increased migration from rural areas as farmers abandon farming (Sharma 2003a), and increased numbers of suicides among farmers due to debt.

Andhra Pradesh alone accounted for 758 of the 1,529 farmer suicides reported across the country between April and December 2004. The Ministry of Agriculture (2005) also ranked Andhra Pradesh as the state with the highest degree of indebtedness among farmer households. Maharashtra, too, witnessed a marked increase in the number of farm deaths, with 524 farmer suicides recorded between April and December 2004. Karnataka reported 216 cases of farmers committing suicide in 2004 to February 2005. Against this backdrop, it seems evident that a violation of the right to food is taking place in its extreme form in India.

'The GoI maintains buffer stocks to guard against serious food shortages arising from drought and other crop failures. However, in recent years, the stocks held by government have exceeded minimum required levels, thereby creating a phenomenon referred to as 'a paradox of poverty amongst plenty', i.e., hungry citizens despite large government held stocks. 'The failure of this programme has been attributed to a lack of purchasing power and/or inadequate arrangements for disposing of surplus stocks. As a result, the government is looking to implement more effective measures for disposing of surplus stocks' (*Agriculture and Agri-Food* 2004).

The total production of foodgrains in the year 2004/5 was 210.44 million tons (GoI 2004-05). The buffer stock was 63 million tons in June 2002, decreasing thereafter (Table 1). The official food stock is used to supply grains to the public distribution

system, the midday meal scheme and other welfare schemes run by the government. In the beginning of July 2005, the buffer stock was reduced to less than the required minimum norm. Even then, it was at a safe level, as procurement during July 2005 from the central pool was only 15 million tons. According to the government's *Economic Survey* for 2004/5, India's food stock was satisfactory, and that the country had adequate stocks to feed the hungry.

Hence the availability of foodgrains does not seem to be a problem. It is true that most of the state governments have fiscal problems and the full quota is not utilized (Table 2). However, lack of political will rather than resources is the problem. Unfortunately, the institutional structure which could ensure appropriate delivery systems has been eroded over the years, and there is an urgent need to reinvent it along the appropriate lines.

3 Government recognizing right to food

India is an active member of the United Nations and is a state party to International Covenant on Economic, Social and Cultural Rights (ICESCR). Hence there is an obligation to respect, protect and fulfil the right to food for every citizen of India. The Indian Constitution does not expressly recognize the fundamental right to food. However, comparable human right provisions are found in the articles of the fundamental rights as well as the Directive Principles of State Policy.

Article 21 of the Indian Constitution provides the fundamental right to the protection of life and personal liberty. This article mandates the state to ensure the right to life of citizens. This includes the right to live with dignity with at least two decent meals a day. Article 47 of Directive Principle of State Policy specifies that 'the duty of the state to raise the level of nutrition and the standard of living and to improve public health'. The orders of the Apex Court of India interpret the right to food as part of the right to life, which is a fundamental right as per the Indian Constitution. The state, however, seems to have forgotten these principles.

4 Schemes to ensure food security

The central food schemes and other assistance programmes for the poor in India are:

- targeted public distribution system;
- *Antyodaya Anna Yojana*;
- mid day meal scheme;
- *Annapoorna Yojana*;
- integrated child development services;
- national family benefit scheme;
- national maternity benefit scheme; and
- national old age pension scheme.

4.1 The public distribution system (PDS)

The public distribution system (PDS) is one of the systems for improving food security at the household level. PDS is a food subsidy programme explicitly targeted towards the poor and accounts for about half of the total spending on anti-poverty programmes by the central government. PDS ensures the availability of essential commodities like rice, wheat, sugar, edible oils and kerosene to consumers through a network of outlets, fair price stabilization, and as an alternative channel to provide trade. PDS is effective in transferring foodgrains from surplus areas to a few grain-deficit regions. Renamed the 'targeted public distribution system' or TPDS, the programme has been strengthened and improved. A food stamp scheme has also been introduced on a pilot basis in selected districts in a few states effective as of 2004/5.

4.2 Annapoorna Yojana

Annapoorna Yojana is a programme that is linked to the targeted PDS. It provides ten kilograms (kg) of food per month free-of-charge to indigent citizens living alone. Approved during the 1992/2000 budgets, it is now being operationalized, and targets those who do not live with their children in the same village. The Ministry of Rural Development of the government of India is charged with its implementation.

4.3 Antyodaya Anna Yojana

This programme was introduced in early 2001. It is addressed to the poorest of the poor, as identified by *gram sabhas* (village council meetings) and *gram panchayats* (village councils). *Antyodaya* households are provided with a special ration card which entitles the household to 35 kg of grain per month at highly subsidized prices (Rs 2/kg for wheat and Rs 3/kg for rice). A major limitation of this scheme is its restricted coverage, as it covers only less than 5 per cent of the population.

4.4 Mid day meals scheme (MDMS)

Under the mid day meals scheme, all children in government and government-assisted schools are provided a free, hot cooked midday meal for at least 200 days per year. Central government is providing money for the construction of kitchen sheds and for the cooking. This scheme is a major relief for poor children and an encouragement to them to go to school. As per a Supreme Court order, SC/ST people are to be given preference as cooks/helpers. In the 2004/5 budget, the allocation for the MDMS was Rs 1,675 *crore* and was increased to Rs 3,010 *crore* in the 2005/6 budget.

5 Intervention by the Supreme Court

As a result of aggressive campaigns and public interest litigation (PIL), over the last 4-5 years the Supreme Court of India has monitored the battle for the right to food. The problem is so acute that the Supreme Court was forced to intervene heavily on state and central governments on several occasions. Today, the directions issued by the Supreme

Court are one of the major components for implementing the right to food. In brief, the interventions of the court had three major impacts:

- It converted the benefits of the eight nutrition-related schemes into legal entitlements;
- It directed all state governments to begin providing a cooked midday meal for all children in government-assisted schools; and
- It directed the state and central governments to adopt specific measures to ensure public awareness and transparency of these schemes/programmes.

The Commissioners appointed by the Supreme Court have submitted their fifth report on the states' compliance of these orders. But the court cannot continue to intervene and monitor progress for very long. Hence the government needs to draw lessons from these intercessions and take specific measures to address the concerns raised by the Supreme Court in response to various public interest litigations.

6 Status of food schemes in India

The framework of the right to food is one of the basic economic and social rights that are essential to achieve the 'economic democracy' without which political democracy is, at best, incomplete. The right to food is nowhere near being realized in India. The schemes introduced by the government are well designed, yet their implementation has been poor.

In India, food security exists at the macro level in terms of physical access to food. Economic access is far from satisfactory, both at the micro as well as the macro level. The statement that economic access to food is far from satisfactory is confirmed by the fact that a significant proportion of the society lives in poverty and is malnourished. This section of the society is underprivileged and has less voice. The question that arises is: who will ensure the food security of the underprivileged? Is it the state, the market and the civil society or a combination of all three?

In 1997, the government launched the TPDS specifically aimed at people in all parts of the country who were living below the poverty line (BPL). States were required to undertake surveys to identify BPL families according to the absolute income threshold issued by the Planning Commission on the basis of the official poverty lines in 1993/4. Other additional qualitative criteria were also adopted such as household occupation, land operated or owned, housing conditions, number of earners, and possession of various types of durables such as TV, fan, refrigerator, motor cycle, tractor, etc. A major criticism of the TPDS has been that it has excluded a large number of deserving people and families for conceptual and operational reasons.

6.1 Conceptual issues

The main conceptual issue is the appropriateness of using income poverty to identify the poor for the PDS, particularly the absolute poverty line adopted by the Planning Commission. The debate revolves around the issue of whether the official poverty line represents a very low level of absolute expenditure, and if so, whether it excludes a

larger section of the population with low and variable incomes. These doubts are raised by the fact that other criteria such as nutritional studies show that a much larger proportion of the population is food insecure. Thus, the narrow targeting of the PDS based on absolute income poverty is likely to have excluded a large part of the nutritionally vulnerable population from its coverage.

6.2 Operational issues

Huge practical administrative problems exist in implementing this definition of poverty, since there are no regular official estimates of actual household incomes. Implementing the BPL identification has also been problematic. In particular, 18 out of 31 states have not completed the BPL identification surveys while in places where the surveys have been done, not all deserving families have received identification cards. Most importantly, the surveys have missed out many poor families.

In addition, government incurs substantial costs, but achieves unimpressive transfers. In addition to subsidizing sales prices, these expenditures include the costs of transportation and storage and, even more significant, the minimum support prices paid to farmers (which are higher than market prices). The resulting total subsidy cost was Rs 410.8 billion during 1998/9 according to a report (GoI 2000) by the comptroller and auditor general (CAG). The estimated cost of transferring one rupee of income to BPL households under the PDS was as high as Rs 6.68 (Dev and Evenson 2003).

The coverage (Table 3) and the performance of the fair-price shops, where in existence, remain dismal. In states like Maharashtra and Rajasthan, bogus ration cards, poor quality grain, short weighing of food and prices matching market rates are common. In addition to other problems, the chances of mis-identifying and excluding the vulnerable population from the TPDS appear to be high given the conceptual and operational problems in identifying households below the poverty line.

Insufficient quantity

With the TPDS, each BPL family was initially entitled to only 10 kg of grain per month. This was clearly too low an allocation compared to monthly needs. The allocation was raised to 20 kg per month in March 2001, and raised again as of March 2002 to 35 kg per household for both BPL families as well as certain groups above the poverty line (APL). According to the Indian Council of Medical Research, a person needs about 11 kg of cereals per month (or 330 gm per day). For a family of five, this would typically translate into a requirement of 55 kg per month.

Poor quality

There has been frequent reports of the poor quality of the grain received from the ration shops. The CAG report also makes note of the poor quality of foodgrain supplied, highlighting specific instances where the grain distributed has been of substandard quality. The Food Corporation of India (FCI) does have a system of quality checks, but it would seem that the mechanism is not full use.

Table 3
State-wise coverage of fair-price shops under the PDS system

State	No. of fair price shops	No. of cards per PPS	No. of villages (census 01)	% Villages covered
Andhra Pradesh	40,688	391	28,124	145
Arunachal Pradesh	1,284	283	4,066	32
Assam	33,229	161	26,248	127
Bihar	41,818	296	45,099	93
Chhatisgarh	7,869	573	20,309	39
Goa	529	622	360	147
Gujrat	14,284	768	18,545	77
Haryana	7,210	622	6,956	104
Himachal Pradesh	4,043	332	20,119	20
Jammu & Kashmir	3,927	466	6,653	59
Jharkhand	14,395	202	32,616	44
Karnataka	20,675	532	29,484	70
Kerala	14,140	449	1,365	1,036
Madhya Pradesh	18,688	719	55,393	34
Maharashtra	49,638	442	43,723	114
Manipur	2,551	124	2,392	107
Meghalaya	4,297	67	6,024	71
Mizoram	1,011	227	818	124
Nagaland	290	686	1,318	22
Orissa	23,579	335	51,350	46
Punjab	13,874	394	12,730	109
Rajasthan	20,272	599	41,354	49
Sikkim	1,071	118	453	236
Tamil Nadu	27,995	601	16,318	172
Tripura	1,432	500	871	164
Uttar Pradesh	74,788	509	107,441	70
Uttaranchal	7,332	300	16,806	44
West Bengal	20,441	783	40,780	50
India	475,634	459	638,667	74

Source: Saxena (2004).

Unsatisfactory administration

A targeted programme requires more management and better administration than a general universal programme. The reports of the CAG and other accounts of mistargeting and poor administration of the TPDS indicate that the new administrative tasks have not been undertaken satisfactorily.

Lack of information and absence of grievance redressal system

The targeted public distribution system has increased the need for information and operational flow of the system. This has not only added to administrative problems but is likely to have affected consumers as well. The CAG report (GoI 2000), for instance, states that consumers have paid excess charges, that is, higher prices than those announced. The lack of information among consumers regarding the appropriate prices may have aided those charging more. The CAG beneficiary study also notes that consumers are not fully aware of their entitlements, and the absence of a grievance redressal systems is a problem.

Refusal of states to issue cards to the destitute

Several states have refused to issue ration cards to the urban destitute, including the homeless, migrant labour, destitute women, children, etc. due to lack of proof of address.

7 Why the schemes failed?

Failure of the schemes began with the 'BPL identification survey'. The methodology of the new survey is based on a 'scoring method' that involves 13 indicators. Many of these indicators are non-transparent, non-verifiable, unscientific and unrealistic. This opens the door to distortion and cheating. The study on the Barmer district in Rajasthan by the non-profit organization Advantage India (nd) suggests that most of the 'cheating' is based on non-verifiable criteria. In addition, the BPL survey is unreliable. There are massive 'exclusion errors' and 'inclusion errors':

Targeting always involves problems of imperfection. That is, one is likely to exclude people who should be included, or to include people who should be excluded. The government should move away from the current practice of TPDS and revert to the universal public distribution system (UPDS). PDS should not be viewed mechanically as only a system for delivering food but also as serving the national interests of integrating the nation and caring for the rural hinterland (Sen 2002).

According to the first report of the Commissioner to the Supreme Court on the right to food, submitted on 29 October 2002, several state governments have failed to implement the midday meals. 'Unaffordability', 'unimplementability', waste of teachers' time, disruption of school activities and hygiene problems have been cited as justification of the violation of the order. The case for midday meals in schools is particularly strong, given that enough stocks of wheat and rice are available in public warehouses across India. The availability of food stocks facilitates the financing of large-scale food-for-work programmes. However, the shortage of funds in the state governments' coffers has prevented its effective implementation. The lack of funds or the unwillingness of state governments to find the cash resources has meant that even when free cereal has been provided by the centre, implementation of the food-for-work programmes is extremely tardy. By and large, corruption is the main reason behind the poor implementation of various schemes:

Food deprivation and insecurity persist in India on a mass scale and this situation of mass deprivation is likely to worsen in the current context of liberalization, structural adjustment and the weakening of welfare systems. There is a need to expand and strengthen—not undermine or disband—the PDS system. Targeting is a dangerous policy introduced as a mechanism to ultimately close down the PDS (Swaminathan 2000).

According to Dr N. C. Saxena, Commissioner of the Supreme Court:

There is a catastrophic failure to protect the fundamental right to life, enshrined in Article 21 of the Constitution. Behind this failure is an overarching lack of state commitment to the prevention of hunger and starvation. The situation is

all the more intolerable as it is happening in the shadow of gigantic food stocks. One symptom of this is the routine violation of Supreme Court orders by the respondent governments (Saxena 2003a).

However, many of these schemes have had good results in the southern states of India. For example, the noon meal programme, which was launched in 1982, is working well in Tamil Nadu, and has a coverage of 6.1 million beneficiaries. Another example is the TPDS implementation in Kerala. There is a need to draw lessons from these states and implement these schemes effectively all over the country.

8 Structural problems, including corruption

The TPDS introduced a dual pricing system in 1997. Initially intended for BPL households, the price was lower than what was generally paid within the PDS system, while APL households paid a higher price than that in PDS. In 2001 with the introduction of the *Antodaya Yojana* a third price was introduced for *Antyodaya* households (which are lower than the BPL prices). There is evidence that several price categories within the same distribution network and for the same commodities create distortions. For example, these may:

- create an incentive for leakage and other malpractice among traders and officials;
- cause confusion among consumers as to what is the appropriate price to be paid when the PDS prices are frequently changed, rolled-back and differentiated according to scheme and identification card;
- create social problems because of the perceived unfairness of different households paying different prices; and
- different schemes, prices and stock registers add to the complexity of administration and complicate inspection and audit mechanisms.

Inspection raids by the anti-corruption bureau have revealed that even schools in some states are forging records and wheat meant for midday meals is actually being siphoned off. The case of the *Annapurna Yojana*, which aims to help destitute persons over 65 years of age, is even worse. Under the scheme, individuals without an assured pension or a regular source of income or those with a family that earns less than a specified annual income are entitled to a free monthly ration of 10 kg of foodgrains. The states are nowhere near to fulfilling this obligation. State governments infer that the scheme could be effective if it covered all destitute individuals above 65 years, but the central government has not responded to the request to expand the scope of the scheme.

In his fourth report, Saxena comments that, 'PDS is plagued with structural problems including endemic corruption' (2003b). The system is so corrupt and inefficient that according to the estimates by the economist Kripa Shankar, the government spends Rs 20 to get one rupee worth of food to the poor. According to Kirit Parik, a member of the Planning Commission, only 20 paise out of Rs 1 reach genuine hands (Jha 2004). 'The bulk of the food is pilfered by the *babus* (government officials) and sold in the market surreptitiously or damaged due to poor storage conditions', says Madhu Kishwar (2004).

A study by Tata Economic Consultancy Services (TECS) points to large-scale diversion of grain from the PDS network. According to the TECS study (1997), about a third of TPDS supplies (31 per cent for rice and 36 per cent for wheat) were diverted and never reached the intended beneficiaries; in the northeastern states, Bihar, Orissa and Punjab, this proportion was more than one-half. 'The data on PDS consumption are generally lower than the official data on PDS supply, and this may reflect leakage from the PDS. There are some exceptions, most notably, Kerala and Tamil Nadu. The monitoring and vigilance system proposed in the TPDS guidelines, which was to involve local *Panchayati Raj* institutions, has clearly not become operational', comments Dr Saxena in his fourth report (2003b).

Recently the Planning Commission's programme evaluation division discovered that in 2003/4, more than 50 per cent of the foodgrain meant for the poor did not reach them. It was probably pilfered on the way, implying that out of the subsidy for the TPDS, Rs 4,123 crore went down the drain. The government prefers to call it 'leakage' (*Times of India* 2005; see Box 1).

Dr Kirorilal Meena, the Minister for Food and Civil Supplies of the government of Rajasthan, had implied to the Minister that the subsidized wheat meant for distribution among the tribal populations in the Udaipur district of Rajasthan under the *Antyodaya* and PDS categories has been siphoned off by workers of the ruling political

Box 1
50% of food grain meant for India's poor pilfered

- A new government survey on the reach of the TPDS that aims to ensure food security for India's poor shares the concerns of many food security experts regarding the efficacy of government schemes.
- Over 50 per cent of subsidized foodgrain meant for BPL people did not reach them in 2003/4, according to a government survey undertaken in several Indian states. This points to serious loopholes in India's TPDS. As many food security experts suspect, those who don't qualify under the scheme are grabbing upto one-fifth of the allotted grain.
- This means that the subsidy of Rs 4,123 crore towards the TPDS has failed to benefit those for whom it is meant; the government prefers to call it 'leakage'.
- These facts were revealed by an assessment of the scheme by the Planning Commission of India's programme evaluation division, which surveyed 3,600 households in 18 states. In its preliminary findings, the study found that the worst 'leakage' was in Bihar, Punjab, Haryana and Uttar Pradesh. In these states, the loss of foodgrain was over 50 per cent. It was probably pilfered along the way and sold in the open market at regular prices.
- Assessments of targeted populations in some states were also found to be faulty—the plan panel found that 20 per cent of people above the poverty line were receiving benefits meant for the poor in states like Andhra Pradesh, Himachal Pradesh, Karnataka, Kerala and Tamil Nadu. Incidentally, Andhra Pradesh, Tamil Nadu, Maharashtra and Meghalaya are the only states among those surveyed where fair-price shops were doing good business. Overall, only 23 per cent of these shops were financially viable, yielding over 12 per cent returns on capital.
- 'If the targeted schemes are meeting such a fate, then serious doubts can be raised about the general programmes. The survey's findings strengthen the need for strict evaluation of all existing programmes', says a senior official.

Source: www.goidirectory.nic.in, accessed 11 March 2005

party itself. Interestingly, the Minister, who led inspection raids on the Rajasthan Cooperative Federation and private mills in Udaipur in June 2005, alleges that his colleague in the same cabinet, the Home Minister, is shielding the culprits. 'My attempts in cleaning the system have gone unappreciated. Instead, those who wholeheartedly supported me in my efforts have been punished', says the Minister (*The Hindu* 2005b). This is the state of affairs of the country.

The *India Corruption Study 2005* by Transparency International and the Centre for Media Studies reports that the problem of corruption in public services affecting the day-to-day needs of citizens is far more serious than is being realized and calls for all-out initiatives on the part of the government as well as civil society. Among the eleven areas covered by the survey, PDS (ration card/supplies) is also included. The users of various public services across the country in this study have named seven key factors that contribute to widespread corruption in the system. These are:

- i) Lack of transparency and accountability;
- ii) Lack of an effective corruption-reporting mechanism;
- iii) Lack of honesty in officials;
- iv) Acceptance of bribes as a way of life, custom and culture;
- v) Ineffective judiciary;
- vi) Poor economic policies; and
- vii) Inadequate training and orientation of government officials.

9 Question of accountability

Accountability refers to the process of holding persons or organizations responsible for their performance as objectively as possible. In the poverty reduction arena in India, the primary responsibility for ensuring service provision to the poor is that of the state, even when the services are actually delivered through other agencies such as the private sector or NGOs. Hence government and its agencies—by their own public policy pronouncements and commitments—are the key players in delivering the schemes to the poor. Even though formal accountability systems have been put in place, they are not working. Many good laws have been enacted, but they are not always enforced or monitored. Public agencies are given mandates and funds, but their performance is not properly assessed, and no suitable action taken to hold them accountable. Public audits of accounts and parliamentary reviews are conducted, but there is no proper follow-up. The presence of formal mechanisms of accountability does not guarantee actual accountability on the field. Poverty reduction has been a major causality in this process.

One of the primary focuses in all of India's five-year plans, including the first, is to address the issue of poverty and thereby ensure food security through innovative schemes for the poor and the marginalized. Unfortunately, the government failed to achieve the target, and hence even in the 10th five-year plan, schemes for poverty alleviation are present. It is interesting to note that the government still continues with the same schemes with only minor changes instead of giving serious thought to analysing the reasons for failure, or if an evaluation has been done, without taking

proper corrective action to punish the culprits and to establish effective mechanisms of accountability. This results in a drain of resources without the desired outcome.

10 Problems in implementation

Although the GoI has tried its best to establish food security in the country, a long way still needs to be travelled. Food security schemes, although well designed, have not been successfully implemented. There has been a debate for over three decades on the challenges facing food security and the failure of various schemes. The following are some of the reasons:

- State governments not accepting the full quota of foodgrains allotted by central government (Table 2);
- Fair-price shops not supplied with rations on time, creating scarcity and blackmarketing;
- Essential commodities sold directly on the blackmarket, knowing that people are compelled to buy even at higher prices;
- Scarcity of enforcement officers; also assigned enforcement officers within the food department engage in corrupt practices;
- Economic viability lacking in the fair-price shops due to a very low commission, compelling the licensees to resort to questionable practices to earn a living;
- Improper distribution and fraudulent ration cards to distort records;
- Lack of awareness among ration cardholders regarding the procurement system and the distribution of foodgrains;
- Purchasing capacity of consumers also very low due to extreme poverty, encouraging the sale of commodities on the open market for higher prices; and
- Lack of a mechanism for timely evaluation of various schemes.

11 The role of civil society

A nationwide public campaign has emerged over the past few years to pressure the state to address nutritional deficiencies, hunger and starvation deaths. The right to food campaign operates on the premise that everyone has a fundamental right to be free from hunger and undernutrition. Realizing this right requires not only equitable and sustainable food systems, but also a guarantee of livelihood security, such as the right to work, to information and to social security. The campaign pursues its goals through a wide range of activities, including public hearings, action-orientated research, media advocacy and lobbying, as well as filing PIL on the right to food. No right can be more fundamental for all people than the right to food.

The campaign has already made some significant strides. It has forced some changes on central and state governments. The province of Rajasthan, for example, is not exactly a

trailblazer in the field of social development, but last year it did take the lead in implementing a Supreme Court order directing state governments to introduce midday meals in all primary schools. Presently 77 lakh (7.7 million) children are covered by the scheme in Rajasthan. One of the objectives of the scheme is promoting school enrolment, and Rajasthan has had an increase of 2.6 million students during the period March to September 2005 (*Hindustan Times* 2005). Of primary-school children (in grades 1 to 5), 110 million were covered by the scheme at the national level during 2004/5 (GoI 2005).

The time has now come for the campaign on the right to food to put a strategy in place through the collective efforts of CSOs, academicians and the government. There is a need to study the 'reforms' introduced in other countries and their effects on the poor, and thus understand that the struggle in India has many parallels. The campaign needs to link up with other groups in other countries fighting for food security. This must be done in a transparent manner by involving all those in the campaign.

Further, efforts have continued to link the right to food with the right to work and right to information, and in particular, to campaign for the effective implementation of the 'employment guarantee acts' in various states. There is hope for progress in this matter, as it is high on the political agenda. Inclusion of the employment guarantee scheme in the common minimum programme (CMP) of the present UPA government and constitution of the National Advisory Council (NAC), which consists of social activists and proponents of right to food/work, is a major step in the right direction. In view of the way the right-to-food campaign has grown in the past few years and considering its success, it could turn into a mass movement able to force the state and society to finally tackle the problem of hunger in India.

Only a participatory approach will give the government's policies on food and food security a more humane shape and a much-needed impetus. Moreover, due recognition needs to be given to the fact that all pivotal rights—such as the right to food, to health, education and any other economic or social rights—are interdependent. For example, providing sufficient food to eliminate undernutrition will not eliminate the chronic health disorders that have already set in. Providing adequate healthcare is also necessary. Similarly, to realize the right to food, people should have access to education and information.

The role of civil society is indispensable in eliminating hunger and starvation deaths. First, the CSOs themselves can organize innovative programmes for ensuring the food security of the poor. Grain banks at the local level are an example. Second, CSOs can help the government in fulfilling the obligation of the right to food and applying the principles of accountability, transparency and participation in the implementation of the rights. CSOs also can engage in mobilization, capacity-building, advocacy, etc. Pressure through public hearings is effective in asserting the right to food. However, what is really needed is the participation of civil society in planning, executing, monitoring and evaluating public policies relevant to this right. In addition, CSOs can create awareness of the various schemes and keep a watch over their implementation.

11.1 Suggestions for CSO participation

Some practical suggestions for the involvement of CSOs include the following:

- Critically examining why thousands suffer from hunger and malnutrition in the midst of sufficient food stocks;
- Sensitizing the nation as a whole with respect to the prevalent circumstances of food insecurity and hunger, and generating the interest of the masses to develop strategies for overcoming the crisis;
- Recognizing that primary responsibility for ensuring food security lies with national and local governments and creating pressure on the government to ensure right to food for every citizen of India.
- Developing a system of ‘horizontal’ accountability to further generate both awareness and confidence among the masses;
- Involving *Panchayati Raj* institutions in the monitoring/vigilance of different schemes meant for the poor;
- Formulating a code of conduct on the right to food. This will reduce existing weaknesses in the human rights instruments that recognize the right to adequate food. It will also reduce the legal lacunae as to what impact intergovernmental policies and private actors have on the right to adequate food;
- Strengthening the prevalent mechanism of the government for establishing food security and gender aspects of food security, so that it can be made more effective in meeting the needs;
- Working to eliminate ignorance on the realization of the right to food;
- Establishing a strong network to stand against insurmountable odds; and
- Pressuring the government to recognize right to information, right to work, etc., in addition to the right to food.

11.2 Forceful assertion: the case of MKSS

A huge gathering of activists, campaigners and political workers attended a convention on the right to information at Beawar in Ajmer district of Rajasthan. The meeting took place in the shadow of a third successive year of scant rainfall in certain parts of the state. This caused acute livelihood stress and raised the probability of famine in certain parts of the state. Deaths from food deprivation and related diseases had already been reported. The conference was also attended by the then-Chief Minister of Rajasthan, Ashok Gehlot, who was perhaps keen to maintain an image of transparency and candour.

A number of questions were raised to the chief minister about drought relief activities and the implementation of anti-poverty programmes, with regard in particular to the total entitlement of foodgrains for BPL people, given that state procures a mere 60 per cent from the central pool. In response to these queries, the Chief Minister reported that the government’s records were always open for inspection with regard to the specific

concerns on the famine conditions that had been articulated in various parts of the state. It was suggested that the National Campaign for the Peoples' Right to Information, the umbrella organization sponsoring the Beawar convention, could nominate an individual of its choice to examine the state's records if it would serve to assuage public misgivings. With these remarks, the chief minister left the convention venue.

Aruna Roy, founder of the MKSS (*Mazdoor Kisan Shakti Sangathan*) and recipient of Ramon Magsaysay award, came up with an appropriate response. Since the administration has proven that it was not amenable to discuss a matter involving the lives and livelihoods of millions, the agitation programmes, according to Roy, would have to be stepped up. MKSS decided to begin plans to lay siege to FCI's warehouses where the central government's burgeoning stocks of food were wasting away. The agitation was to continue until the government opened up the granaries and established a welfare programme to relieve the suffering of society's most vulnerable sections.

Later, a demonstration against the 'paradox of apparent plenty amidst poverty' took place in Udaipur. The tribal areas of Udaipur were among the worst affected by the drought prevailing in Rajasthan and have had a number of deprivation-related deaths. Three political parties had planned raids on the *godowns* well before the chief minister's public display of reticence in Beawar. Following the Beawar event, the Udaipur demonstration attracted a substantial contingent from the MKSS.

On 12 April 2001 a large crowd assembled in the vicinity of the Udaipur District Collectorate. Some leaders had symbolically equipped themselves with hammers for breaking the locks that were perceived to be the obstacles to food security. Stopped a kilometre before their destination at the FCI warehouse, the procession of demonstrators broke through police barricades, courting arrest. As they were dispersed, they promised that the action was not to be the last of its kind (Muralidharan 2001). This agitation had resulted in a number of corrective governmental actions, albeit there is still a long way to go.

12 Conclusion

The Supreme Court had appointed a commission to look into the right-to-food schemes and in its latest report observed that despite the fact that starvation deaths were continuing to occur across the country, there was little proof to indicate that the states were taking effective measures to improve the situation. India does not seem to have a problem in terms of physical availability, as the production of foodgrains is more than adequate. As mentioned earlier, corruption is eroding the well-designed schemes, so there is a need to check this practice.

Starvation deaths and the high prevalence of hunger clearly show that India needs to wake up. The judiciary cannot monitor the implementation of the schemes forever. The government needs to review policy from time to time and take corrective measures for effective implementation of different schemes and programmes, establish effective mechanisms of accountability and ensure the right to food for all.

As the problem of food insecurity relates to both the demand and supply of food, a solution could be to empower people towards greater purchasing power, as well as

addressing the inadequacy of the distribution system, and checking corruption and leakages. Awareness among the people with regard to their right to food can escalate the process of equitable distribution and thus help to realize the right to food for all citizens. The right to food is not just a basic human right, it is also a basic human need. It essentially requires the state to ensure that at least people do not starve. Implementation of the right to food does not imply that impossible efforts be undertaken by the states. The obligation to protect and respect the people compels the state to implement the right to food effectively, without recourse to extensive financial means.

Acronyms

AHRC	Asian Human Rights Commission
AIIMS	All India Institute of Medical Sciences
APL	(individuals living) Above the Poverty Line
BPL	(individuals living) Below the Poverty Line
CMP	Common Minimum Programme
CAG	Comptroller and Auditor General
CSOs	Civil Society Organizations
FAO	Food and Agriculture Organization (of the United Nations)
FCI	Food Corporation of India
GoI	Government of India
HRD	Union Human Resources Development Ministry (of India)
MDMS	Mid Day Meal Scheme
MKSS	<i>Mazdoor Kisan Shakti Sangathan</i> (Organization of Laborers' and Farmers' Strength)
NAC	National Advisory Council (of India)
PIL	Public Interest Litigation
TPDS	Targeted Public Distribution System
SC/ST	Schedule Caste/Schedule Tribe
UDHR	Universal Declaration of Human Rights
UPA	United Progressive Alliance
UPDS	Universal Public Distribution System

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